



## REFLECTING ON THE LEGAL RECOGNITION AND PROTECTION OF THE RIGHT TO HUMAN DIGNITY: NIGERIA IN PERSPECTIVE

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### Abstract

*One of the forms of fundamental human rights that have attracted attention not only at the domestic level but also in the international sphere, is the right to the dignity of the human person. This is partly because the basis of the dignity of man lies in the autonomy of oneself or what can be termed as self-worth. This might have accounted for the recognition and protection accorded this right under the nation's constitution and the various international human rights instruments (both ratified and domesticated).*

*Therefore, resting this study on doctrinal methodology, it was discovered that the Constitution of Nigeria (CFRN), 1999 (as altered) affirmatively recognises and protects this right against violations. However, some specific limitations are allowed by the law. Nonetheless the recognition and protection of this right, instances of its abuses abound such as some activities of Law Enforcement Agents constituting a grave violation of this right.*

*In an attempt to have a deeper understanding of the recognition and protection of this right in Nigeria, the study recommended a thorough overview of provisions in the nation's corpus juris relating to the right to human dignity as well as some salient international human rights instruments. It is further suggested that strict measures should be taken against violators of this right while public enlightenment programmes should be adopted as a routine measure across the nooks and crannies of the country to educate the people and the law enforcement agencies on the issue of the dignity of human persons and the need to accord it the recognition and protection it deserves.*

**Keywords:** Reflections, human dignity, recognition and protection

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## Introduction

The dignity of the human person has transcended a mere human right coinage as it constitutes the fulcrum of fundamental rights generally. As O'Regan J stated in *S v. Makwanyane*,<sup>1</sup> "without dignity, human life is significantly diminished." The theoretical underpinnings of the Universal Declaration of Human Rights (UDHR) as encapsulated under article 1, provide "All humans are born equal and free in dignity and rights. Humans should behave towards one another in a respectful way since they have reason and conscience. The concept of human dignity can be likened to inherent worth shared equally by all humans. It is common knowledge that both the first and second wars created a horror of fear in the mind of the people and to address this after the outbreak of the second global hostility, the UDHR came into the limelight with a view to promoting equality, peace, justice, freedom, and protecting human\_dignity.

Respect for the human person, which acknowledges the inherent worth of each individual human being, is the cornerstone of any ethical society. Additionally, it acknowledges that individual members of the human family who prosper in a society are those that uphold their fundamental rights and yearn to learn transcendent truths about the nature of reality. Every human person has inherent value, according to the concept of human dignity, and as a result, they should all be treated with the utmost respect and regard. Some international NGOs, like Amnesty International, Human Rights Watch, and others, have created annual human rights reports in response to the relevance of this right and other human rights generally. Despite the generally recognized regional and international treaties, the country has seen an inconspicuous growth in human rights breaches.

Against the above backdrop therefore, this paper considers it imperative to examine human dignity and its place under the human rights genre; discuss the philosophical foundation for the need to preserve and protect this right; and appraise its protection under the municipal and international legal frameworks. In addition, it is expedient to identify instances of clawback or derogatory clauses in the Bill of Rights concerning the right to dignity of the human person and consider the impetus to strengthen its protection and preservation. These measures are taken to interrogate the

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<sup>1</sup> (1995) 3 SA 326 (SCA)

recognition and protection of this right within the context of the Nigerian constitutional and the international laws.

### **The Concept of Dignity of Person and its Place under the Human Right Genre**

Dignity is often regarded as a complex concept but more often, it is usually used alongside the “human”, hence, the popular notion of human dignity. “Dignity” is defined as “the state of being worthy of honour or respect”.<sup>2</sup> Although dignity is frequently thought of as a complicated idea, it is more frequently used in conjunction with the word "human," giving rise to the widely held belief that all people are entitled to some measure of dignity. "The state of being worthy of honour or respect" is the definition of "dignity."<sup>3</sup> According to the Cambridge Dictionary, having dignity means acting in a way that inspires respect in others<sup>4</sup>. It could also be described as having the quality or state of being deserving of respect or honour.<sup>5</sup> The word is derived from the Latin word *dignitas*, which the ancient Romans used to describe high social rank and the respect and honour that should be accorded to someone in that position.<sup>6</sup>

When the word "dignity" is used in conjunction with the noun "human," it means that all people should be treated with the utmost respect and dignity, regardless of their age, gender, socio-economic status, physical condition, ethnicity, political beliefs, or religion. It is important to distinguish between moral dignity, which is another word for "honour," and inherent human dignity. Moral dignity is the product of a virtuous life, that is, a life lived in accordance with moral principles; it has nothing to do with a person's "existence" in and of themselves.<sup>7</sup> This emphasises the fact that not everyone possesses moral dignity to the same extent (a classic example is that of a pickpocket who possesses less dignity than an honest person.). On the one hand, inherent dignity is the same for everyone, cannot be accomplished or lost, and does not permit for any degree

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<sup>2</sup> Oxford Encyclopaedic English Dictionary

<sup>3</sup> Oxford Encyclopaedic English Dictionary

<sup>4</sup> Cambridge Dictionary <<https://dictionary.cambridge.org/dictionary/English/dignity> > accessed on 08/12/2022

<sup>5</sup> Merriam Webster Dictionary <<https://www.merriam-webster.com/dictionary/dignity>> accessed on 08/12/2022.

<sup>6</sup> Roberto Andorno, ‘Dignity and End of Life Issues’ In: N. Emmerish, P.Mallia, B.Gordijn, F.Pistoia (eds). *Contemporary European Perspectives on the Ethics of Life Care* (Springer, 2020) 1471

<sup>7</sup> *Ibid.* at 45



because it is divorced from the human condition,<sup>8</sup> hence, the notion of *intrinsic dignity*. The international human rights framework that developed in the years following World War II is based on the principle of inherent dignity today. Every human being has the intrinsic and enduring quality of dignity with which it is claimed that all individuals are created equal.<sup>9</sup>

The concept of human dignity expresses the idea that every person has intrinsic worth and deserves to be treated with the utmost respect and compassion. Although this idea is of ancient time in intellectual thought, it nevertheless became of great attention after the second global war. This remarkably becomes accepted globe wide as fulcrum of human rights generally. In fact, post second world war has brought about a general notion that human rights legislation assumed that everyone has equal basic rights, or that everyone has equal claims to necessities, because these latter rights originate from the dignity that every human being is born with.

### **The Philosophical Foundation of the Right to Human Dignity and Its Protection**

The concept of human dignity encapsulates the idea that each person is valued and should be treated with the utmost respect and consideration.<sup>10</sup> Despite having an extensive root in philosophical thought, this idea really took off post Second World War having since been acknowledged as the bedrock upon which human rights are established by the world community. In fact, since 1948, international human rights law has clearly assumed that everyone has equal basic rights, or that everyone has equal claims to necessities, because these latter rights originate from the dignity that every human being is born with.

The fact that human being is a person, a whole, in control of himself and his actions, and as such is not only a means to an end but rather an end in itself, which must be treated as such, confers upon him or her certain rights.<sup>11</sup> If the right of the human being to be recognized and to be the

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<sup>8</sup> H Spiegelberg, Human Dignity: “A Challenge to contemporary Philosophy” In: R Gotessky and E Laszlo (eds.) *Human Dignity. This Century and the Next* (New York: Gordion and Breach) 39 - 62

<sup>9</sup> A Gewirth, *Human rights: Essays on Justification and Applications* (Chicago: University of Chicago Press 1982) 27

<sup>10</sup> R Andorno, “Human Dignity and Human Rights” In: H.A.M.J Ten Have, B Gordijm (eds.), *Hanbook of Global Bioethic* (Springer Science Business Media Dordrecht 2014) 45

<sup>11</sup> *Hassan v E.F.C.C.* (2014) 1 NWLR (Pt. 1389) 607 at 635



subject of protection does not follow from natural law, then the concept of human dignity is meaningless.<sup>12</sup> Due to the fact that man is a man, he is consequently entitled to certain rights.<sup>13</sup> From the theological perspective, man was made in God's likeness.<sup>14</sup> This position affirming the notion "the inherent dignity of man" captures the metaphysical status of man which originates from the basic Western conceptions developed from the fusion of Jewish-Christian faith with those derived from ancient and liberal conceptions of man."<sup>15</sup> The Catholic Church's Catechism in its postulation, succinctly captures the above position: "The human person has the dignity of a person because they are made in the image of God, who is not merely something, but somebody. He is capable of self-awareness, self-possession, self-gifting, and establishing communion with others..."<sup>16</sup>

Therefore, it is much easier to pinpoint a fascinating illustration of the application of the developing notion that human dignity is innate and, as such, deserving of protection. The gift of reason has been asserted to be one of God's most significant gifts to man. Therefore, applying reason became strongly associated with the concept of dignity.<sup>17</sup> Mirandola has argued that human dignity as a gift from God affords man the opportunity to make choices of what he desires at any time.<sup>18</sup> In Islam, three things have been made illegal to a Muslim, viz: to spill the blood of another or deprive him of (a) his life; (b) to deprive him of his property; and (c) to deprive him of his honour or integrity.<sup>19</sup> Thus, it becomes important for dignity of human person to be accorded a vantage position in the *jus corpus* across nations as a fundamental right.

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<sup>12</sup> *ibid*

<sup>13</sup> *Igwe v Ezeanochie* (2010) 7 NWLR (Pt. 1192) 61

<sup>14</sup> Genesis Chapter 1 verse 26 (NIV)

<sup>15</sup> Arieli, 'On the Necessary and Sufficient Conditions for the Emergence of the Dignity of Man and His Rights' available at [https://brill.com/display/book/edcoll/9789004478190/B9789004478190\\_s002.xml](https://brill.com/display/book/edcoll/9789004478190/B9789004478190_s002.xml), accessed 08/12/2022

<sup>16</sup> The Catechism of the Catholic Church, Part One: The Profession of Faith, Catechism of the Catholic Church: Revised in Accordance with the Official Latin Text Promulgated by Pope John Paul II (Washington, DC: United States Catholic Conference, 2000). Catholic Church.

<sup>17</sup> Finnis, John M., "Aquinas: Moral, Political, and Legal Theory" (1998). Books. 100.

<sup>18</sup> P. della Mirandola, *On the Dignity of Man* (trans. C. Glenn Wallis, ed. Hackett Publishing Company 1965) 5

<sup>19</sup> *Kaza v State* (2008) 7 NWLR (Pt. 1085) 125 at 200, paras. B-C per Muhammad, J.S.C.

## Protection of Right to Dignity of Human Person both under the Municipal and International Legal Frameworks

Every person is entitled to respect for the dignity of his or her person under section 34(1) of the Federal Republic of Nigeria Constitution of 1999 (as altered). The section provides:

Every individual is entitled to respect for the dignity of his person,  
and accordingly –

- a. No person shall be subjected to torture or to inhuman or degrading treatment;
- b. No person shall be held in slavery or servitude, and
- c. No person shall be required to perform forced or compulsory labour

In essence, no other person or persons or authority in Nigeria shall subject a person or persons to any form of torture; physical, psychological, mental, etc., inhuman or other degrading treatment, but shall accord due respect for the dignity of the person or persons.<sup>20</sup> It should be noted that with an adverb, “accordingly” deployed in the opening paragraph, there is an inference that paragraphs a-c show that the listed acts are antithetical to the right to dignity of the human person but the latter transcends them.<sup>21</sup> Every person has the right to respect the dignity ingrained in a human being and the acknowledgment of his legal position under Article V of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act.<sup>22</sup> It is against the law to engage in any kind of human exploitation or degradation, including slavery, the slave trade, torture, and other cruel, inhumane, or degrading practises.<sup>23</sup>

In an attempt to curb flagrant human rights abuses by the Nigeria Police as well as provide for a more effective and organised Police Force, the Nigerian Police (Establishment) Act was enacted in 2020 which repealed the defunct Police Act<sup>24</sup>. Although, police power is the exercise of the

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<sup>20</sup> *Ezeigbo v Asco Inv. Ltd.* (2022) 8 NWLR (Pt. 1832) 367; *Rabiu v State* (1980) 8 - 11 SC 130; *A.-G., Bendel State v A.-G., Fed.* (1982) 3 NCLR 1; *Fawehinmi v Abacha* (1996) 5 [NWLR \(Pt. 447\) 198](#); *Uzoukwu v Ezeonu*(1991) 6 [NWLR \(Pt. 200\) 708](#)

<sup>21</sup> KM Mowoe, *Constitutional Law in Nigeria* (Malthouse Law Books, 2008) 310

<sup>22</sup> Cap A9, Laws of the Federation of Nigeria, 2004

<sup>23</sup> *Eze v I.G.P* (2017) 4 NWLR (Pt. 1554) 44 P. 77, paras. A-B)

<sup>24</sup> Police Act, Cap. P19. Laws of the Federation of Nigeria, 2004

sovereign right of a government to promote order, safety, health, morals and general welfare in the country, an essential attribute of government, such exercise power must be within the limit of the constitution.<sup>25</sup> The new Act provides that no one should be arrested in place of a suspect no matter the relationship with the suspect,<sup>26</sup> everyone must be accorded humane treatment, dignity and not to be subjected to any form of torture.<sup>27</sup> An arrest without a warrant can only be executed where there is reasonable suspicion of the commission of a crime.<sup>28</sup> Besides, before a search is conducted, a police officer must give his name and police station, object of the search, grounds and authorization, uniform or identification card showed,<sup>29</sup> and the suspect's cloth must not be removed in a public place.<sup>30</sup> The general powers invested in the Police to effect arrest of suspected offenders and to detain them is statutory;<sup>31</sup> it must however be exercised with due regard to the human rights of the suspect.

The right to human dignity has been acknowledged and protected at the international level by several human institutions. Notwithstanding the loft provisions contained in the UDHR, the document has been regarded as a mere declaration as it is devoid of enforceability against violating parties.<sup>32</sup> However, even at that, the document has provided the foundation for nations to build their genre of rights.

Furthermore, the International Covenant on Civil and Political Rights (ICCPR) requires States Parties to pass suitable national laws to uphold each person's right to respect for their dignity as a part of the human race.<sup>33</sup> It is unlawful to torture or punish anyone in a way that is cruel, inhuman, or degrading.<sup>34</sup> By the import of these provisions, all forms of torture, cruel, degrading treatments against individuals are prohibited. However, a major setback to this instrument is the lack of binding force on countries that have not ratified and domesticated it. Thus, the dualism system

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<sup>25</sup> *Mitin v C.O.P, Bayelsa & ors* (supra) 285, paras. G-H

<sup>26</sup> the Nigerian Police (Establishment) Act, 2020, s.36.

<sup>27</sup> *ibid.* s.37.

<sup>28</sup> *ibid.* s.38.

<sup>29</sup> s.50.

<sup>30</sup> s.51(5).

<sup>31</sup> *Mitin v C.O.P, Bayelsa & ors* (supra) 285, paras. E-G

<sup>32</sup> The major problem with this instrument is that it is not binding on the States Parties as it appears to be merely declaratory of the aspirations of the world leaders who fashioned the document.

<sup>33</sup> Article 6. of ICCPR, 1966

<sup>34</sup> *Ibid.* article 7



operated in Nigeria requires an Act of the National Assembly to incorporate the ICCPR into her laws. To date, Nigeria has not domesticated this instrument and so, it is not binding. Nevertheless, the provisions are part of the international customary law which serves as *jus cogens*.

### **Instances of Claw Back or Derogatory Clauses in the Bill of Rights about the Right to Dignity of Human Person**

Generally, human rights are not absolute rights, so there are always derogation and clawback clauses in the law which tend to limit the scope and enjoyment of such rights. A derogation clause can operate to suspend completely enjoyment of certain rights such as in the time of emergency or hostilities and is relatively precise as to what can be derogated from.<sup>35</sup> A clawback clause merely operates as a restriction to the scope and application of some rights and does not necessarily operate to suspend or abrogate them.<sup>36</sup>

In the present instance, Section 34 (2) of the CFRN, 1999 (as altered) establishes specific restrictions as "clawback clauses" on the use of this right, which include, among other things, the following:

- a. Any labour required as a result of a court's ruling or order
- b. Any such labour required of Nigerian Armed Forces or Nigerian Police Force personnel as part of their duties
- c. Any labour required in place of military service for those who have conscientious objections
- d. Any labour required that is deemed reasonably necessary in the event of an emergency or disaster that endangers the lives of the general public; or
- e. Any labour or service that is required as part of one of the following:
  - i. Regular community or other civic responsibilities for the welfare of the community;

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<sup>35</sup> JI Aremo, and A Amuda- Kanneke, (2018) 'Swinging Pendulum between Freedom of Expression and the Law of Defamation' (2018) 1 (1) *Redeemer's University Law Journal* 246

<sup>36</sup> *Ibid.*





- ii. Compulsory national service in the federation's armed forces as may be prescribed by an Act of the National Assembly; or
- iii. Compulsory natural service as may be required as part of Nigerian citizens' education and training as may be prescribed by an Act of the National Assembly.

A point to note is the recognition of normal communal or other civic obligations for the well-being of the community as a limitation to the right of the dignity of the human person. Where any labour is required in consequence of the sentence or order of a court, or is reasonably necessary in the event of any emergency or calamity threatening the life or well-being of the community, or forms part of obligations for the well-being of the community, it shall not amount to forced labour, so as to infringe the right to respect of a person.<sup>37</sup> For any work to qualify as communal work, the premises concerned must be owned by the community, such as their village squares, town hall or adjoining streets.<sup>38</sup> Whilst the position of the law is quite commendable as a motivator for cooperation and unity for public benefit, it is however not to be overstretched to clog human dignity under any guise. In *Ojuya v. Nzeogwu*<sup>39</sup> per Ige, J.C.A. succinctly warns:

... if any fine was imposed on the appellants, it is illegal and once a sanction is imposed on a normal communal service for the well-being or welfare of a community, the service becomes forced and compulsory labour. It becomes a compulsion i.e. you either do it or you pay a penalty. In this modern age only a court of Record or a Court of Law can impose a fine on an offender who has contravened the laws and not the head of a community. If a community which is not constituted into a Court of Law imposes a fine, it is illegal and this court will not lend a helping hand to Illegality under the pretext of well-being of a community. Both the New Nigeria Bank and the Post Office are commercial and public Institutions which can fend for themselves for purpose of environmental sanitation. They do not

<sup>37</sup> *Ojuya v Nzeogwu* [1996]1 NWLR 717 at 723 - 724, paras. H-C

<sup>38</sup> *ibid.*

<sup>39</sup> *supra*

have to wait for forced labour of the community where they are located.

Once a sanction is imposed on a normal communal service for the well-being or welfare of a community, the service becomes forced and compulsory labour.<sup>40</sup> It is the law that only a court of law is saddled with the power to impose a fine for an offence committed in Nigeria's statute books or the community bye-laws.<sup>41</sup> Also, it is illegal for a community or its head which is not constituted in a court of law to impose a fine.<sup>42</sup>

### **Can the Word “Person” in relation to Fundamental Rights include Corporate or Legal Personality?**

The word “person” as used in the relevant provisions of the Constitution in relation to fundamental rights does not include corporate or legal personality.<sup>43</sup> Per Adah, J.C.A at pages 352-353, paras. E-A:

...The word person as reeled out in their reliefs and in sections 33 and 34 has been duly qualified to relate to the “human person”. When the rights in issue here have to do with the life and the human person as reflected in the reliefs and the constitutional provisions under which the reliefs are claimed, it will, with all respects be absolutely odd, absurd and anachronistic to interpret “person” to include corporate or legal persona ... unless the intention of the appellants is to create a human octopus which is yet to be born...

The court found that it is a long-established legal principle that a corporate body could be accountable for a violation of basic rights and can also enforce same in the case of *Kelvin Peterside v. IMB*<sup>44</sup>. Additionally, it was determined in *Onyekwuluye v. Benue State Government*<sup>45</sup> that a limited liability company is a persona ficta—a juristic personality that manages its affairs through

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<sup>40</sup>Ibid. P.724, paras. B

<sup>41</sup> Ibid. P.724. para .C

<sup>42</sup> Ibid.

<sup>43</sup> *Ibrahim v J.S.C., Kaduna* (1998) 14 NWLR (Pt. 548)1

<sup>44</sup> (1993) 2 NWLR (Pt.278) 710

<sup>45</sup> (2005) 8 NWLR (Pt.928) 614 at 646 para B



agents like the managing director, directors, and others—and that it is therefore incorrect to claim that fundamental rights do not apply to artificial persons. However, in *First Bank of Nigeria, Plc & ors. v A-G, Federation*,<sup>46</sup> a case brought under the Fundamental Rights (Enforcement Procedure) Rules, 2009, according to the Supreme Court, a non-natural person cannot institute a legal action for breach of fundamental rights. Nonetheless, a corporate entity may sue through her human organs such as director, in a claim of breach of rights, but not in a case of right to dignity of human person. Dignity of human person by its nature can only apply to a human person and not an artificial entity. Thus, it suffices to say that such right is enjoyable and enforceable only by a human person. This is in line with the belief that all people hold a special value that is tied solely to their humanity<sup>47</sup>.

### **Procedure for Enforcement of Fundamental Rights**

The enforcement of fundamental rights has been given a special status in the Constitution higher than that of ordinary civil matters to ensure that there are no impediments to the protection of such guaranteed rights<sup>48</sup>. A person who claims that one or more of the Fundamental Rights guaranteed by the Constitution or the African Charter on Human and People's Rights (Ratification and Enforcement) Act and to which he is entitled have been violated, are being violated, or are likely to be violated may apply to the court in the State where the infringement occurs or is likely to occur for redress under Order 11 rule 1 of the Fundamental Rights (Enforcement Procedure) Rules 2009 for redress<sup>49</sup> With the exception that the division of the Federal High Court that oversees the State will have jurisdiction if the infringement takes place in a State without a Federal High Court division.

Additionally, in a case involving the enforcement of fundamental rights, the court must support and welcome actions in the public interest around human rights, and no action involving human

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<sup>46</sup> (2018) 7 NWLR (Pt.1617) SC 121

<sup>47</sup>Human Rights Career (HRC), “What is Human Dignity”

<<https://www.humanrightscareers.com/about/>> accessed on 20/01/2023

<sup>48</sup> *Mitin v C.O.P, Bayelsa & ors* (2023) 12 NWLR (Pt. 1898) 281. Paras. D-E; *Jim-Jaja v C.O.P, Rivers State* (2013) 6 NWLR (Pt. 1350) 225; *F.B.N.Plc v A-G, Fed.* (2018) 7 NWLR (pt.1617) 121

<sup>49</sup> *Opara v S.P.D.C.N. Ltd.* (2015) 14 NWLR (Pt. 1479) 307 Pp. 355-356, paras. G-B)

rights may be dismissed or rejected due to a lack of *locus standi*.<sup>50</sup> Any non-governmental organisations, human rights activists, campaigners, or groups may submit human rights applications on behalf of potential applicants. Any of the following may be the applicant in a human rights lawsuit:

- i. Any individual acting in his or her own interest;
- ii. Any individual acting on behalf of another individual;
- iii. Any person acting on behalf of a class of individuals;
- iv. Any individual acting in the public interest; and
- v. Any group acting in the interest of its members or other individuals or groups.

Notwithstanding the above, such an action for the above cannot be jointly maintained; they are very personal. Also, an application for the enforcement of fundamental rights such as the right to dignity of a human person must be founded on such rights as the main claim and not as an ancillary claim. In *Nwachukwu v Nwachukwu*<sup>51</sup>, the Supreme Court of Nigeria succinctly affirms this position where it held that “before fundamental human rights can be enforced, it must be the main/substantive claim before the court and not on an ancillary claim.”

### **Challenges to seamless enjoyment of the Right to Dignity of Persons**

The implementation of Fundamental Rights is constrained by numerous obstacles and notable among them includes:

- a) High level of illiteracy among the people is a major bane of understanding the legal protection of the right to human dignity. A corollary to this is the inaccessibility of the uneducated population to civic education and the fact that such education as recently being introduced into the secondary school’s curriculum might only cure the defect among the younger population and not the older generation.
- b) The ravaging effects of poverty among a good deal of the citizens is an affront to seamless enjoyment of human dignity. Poverty is symmetrically impairing access to enforceability of human rights generally.

<sup>50</sup> Preamble to the Fundamental Rights (Enforcement Procedure) Rules, 2009

<sup>51</sup> (2018) 17 NWLR (Pt. 1648) 357



- c) The dualism syndrome enshrined in the Constitution render international human rights treaties servient to the municipal laws and impossible for the international standard of human dignity provided in the numerous treaties to be ensured. Quite pathetic is the fact that most of the international human rights instruments recognising and protecting an array of human rights including the right to human dignity are yet to be domesticated despite their ratification; thus, making them unenforceable<sup>52</sup>. Clearly, the daily evidence of human rights violations suggests that drafting and signing treaties is not enough as without a considerable effort expended to make the treaties and conventions more effective guarantees.
- d) The existence of institutional abuse of this form of rights is on the rise. Many institutions in Nigeria that are supposed to protect human rights are the actual violators of the rights they are expected to protect. Cases of police brutality abound and so also other security agencies that are to protect the citizens' rights from violations.

### **Conclusion and Recommendations**

Every human is uniquely valuable and as such, he must be accorded the highest respect and care. The right to human dignity is one of the forms of fundamental human rights that have attracted attention not only at the domestic level, but also at the international sphere. Every person has the right to be respected in terms of his worth and dignity as a man. Being a form of inalienable right, no one shall be subjected to any form of physical, psychological, or mental torture except if such an act is constitutionally allowed.

Nonetheless, the recognition and protection of this right, an instance of its abuses abound such as some activities of Law Enforcement Agents constituting a grave violation of this right. The study recommended a thorough overview of provisions in the nation's *corpus juris* relating to the right to human dignity as well as some salient international human rights instruments. It is further

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<sup>52</sup> Section 12 of CFRN, 1999 (as altered); In *Abacha v Fawehinmi* [2000] 6 NWLR (Pt 660) 228 at 228, Ogunbare JSC held that an international treaty entered into by the government of Nigeria does not become binding until enacted into law by the National Assembly. Before its enactment into law, it has no such force of law as to make its provisions justiciable before the Nigerian Courts.



suggested that strict measures should be taken against violators of this right while public enlightenments programmes should be adopted as a routine measure across the nooks and crannies of the country to educate the people and the law enforcement agencies on the issue of the dignity of human persons and the need to accord it the recognition and protection it deserves.

In line with the aspiration of the FREPR, counsels are enjoined not only to take up claims of applicants who engage them in the enforcement of their rights, but they are also to get involved in public interest litigation so that the society can be rid of cases of human rights abuses.

Also of importance is the fact that International Human Rights Instruments not domesticated can be applied indirectly in an effective manner by infusing their normative contents into the constitutional and statutory standards. In *Mojekwu v. Mojekwu*,<sup>53</sup> Niki Tobi, JCA (as he then was), referred to the provisions of the CEDAW in holding that a rule of customary law which discriminated against women was contrary to natural justice, equity and good conscience. In arriving at this decision, he took into consideration the internationally accepted standard for the treatment of women but did not purport to apply the provisions of CEDAW. In addition, international organisations should set up special bodies as well as encourage civil society to monitor the government's compliance with her treaty obligations on safeguards of the human rights including the right to human dignity.

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<sup>53</sup> (1997)7 NWLR (Pt. 512) 283